

Decision Record

Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-W030-2014-0019-DNA

San Emidio DOE Phase 2 Geothermal Exploration Drilling – July 2014

**Geothermal Sundry Notice
Geothermal lease N-42707
Exploration Well Number 53A-21**

The BLM Black Rock Field Office (BRFO) received US Geothermal Nevada's Sundry Notice to relocate observation well OW-15 (53A-21) July 22, 2014, under the provision of 43 CFR 3261.21. The proposed well would be drilled on geothermal lease N-42707, San Emidio Geothermal Unit N-85820X.

I have reviewed this Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA) and have determined that the proposed action is in conformance with the approved land use plan (Sonoma-Gerlach Management Framework Plan, approved July 9, 1982).

On the basis of the information contained in the DNA Worksheet (attached), it is my determination that implementation of the proposed action will not have environmental impacts beyond those already addressed in the San Emidio Exploration Project Environmental Assessment (EA) [DOI-BLM-NV-W030-2010-0006-EA; DOE/EA-1810] and associated Decision Record (DR) dated October 29, 2010, and San Emidio DOE Phase 2 Geothermal Exploration Drilling (DNA) [DOI-BLM-NV-W030-2014-0003-DNA]; dated 4/8/2014.

It has been determined that the approval of the construction of one drill pad and drilling one observation well to further evaluate the geothermal resource while reducing surface impacts, cultural resource impacts and disturbance is consistent with the scope of the above EA and DNA.

Additional mitigation measures were developed during the review of the proposed action in order to avoid impacts, and to comply with BLM Instructional Memorandum's (IMs) and guidance. These have been added to the Conditions of Approval (COAs) for well drilling developed in the EA previously referenced. The COAs developed provide appropriate measures to reduce and/or eliminate identified impacts due to drilling operations. A copy of these COAs are attached and are made part of this decision. Any authorization of the proposed action is subject to implementation of these mitigation measures. Therefore, it is my decision to implement the project as described in the DNA Worksheet.

AUTHORITY

1. 43 CFR 3200, Geothermal Resources Leasing and Operations; Final Rule, May 2, 2007.
2. Mineral Leasing Act of 1920
3. Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701) as amended.
4. The Geothermal Steam Act of 1970, Title 30, United States Code (USC), Chapter 23, Sections 1001 et seq. (30 USC 1001 et seq.).
5. Mineral Lands and Mining, Geothermal Resources (30 U.S.C. §§ 1002 and 1014).
6. Energy Independence and Security Act of 2007 (Public Law 110-140).
7. The 2005 Energy Policy Act; The National Energy Policy, Executive Order 13212.

APPEAL PROVISIONS

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Carla James, Field Manager (Detail), Black Rock Field Office, Winnemucca District, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890.

Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Authorized Official: ____S\Vic Lozano_____
Vic Lozano, Field Manager (Acting), Black Rock Field Office

Date: ____8/8/2014_____

Attachments:

DNA Worksheet
Conditions of Approval